

SENATE BILL REPORT

SHB 1195

As Reported By Senate Committee On:
Ecology & Parks, March 23, 1995

Title: An act relating to the exclusion of site exploration as a substantial shoreline development.

Brief Description: Excluding site exploration as a substantial shoreline development.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hickel; by request of Department of Transportation).

Brief History:

Committee Activity: Ecology & Parks: 3/16/95, 3/23/95 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Cathy Baker (786-7708)

Background: In 1971, the Legislature passed the Shoreline Management Act (SMA). The SMA applies to: 1) lakes over 20 acres; 2) rivers with flows greater than 20 cubic feet per second; and 3) wetlands, floodways, and floodplains associated with regulated lakes and rivers. Each county, city, and town containing areas covered by the SMA is required to develop a shoreline master program consistent with state guidelines.

The SMA requires a permit from a local government before any substantial development can be undertaken within shorelines of the state. The SMA defines "substantial development" as a project that interferes with the public's normal use of the water or a project with a total cost exceeding \$2,500. The SMA establishes a number of exemptions from substantial development permits.

Soil samples and other types of information are collected prior to constructing roads, bridges, or other structures. This information gathering, also known as site exploration and investigation activities, generally requires a substantial development permit because the cost of the activity exceeds \$2,500.

Summary of Amended Bill: Site exploration and investigation activities are exempt from substantial development permits if the activity does not: (1) interfere with the normal public use of the water; (2) have any significant adverse environmental impact; (3) involve installation of a structure; and (4) involve oil or natural gas exploration in marine waters of the state. Any disturbance caused by the activity must be restored to pre-existing conditions. Private project proponents are required to post a performance bond or provide other evidence

of financial responsibility in order to ensure that the site is restored to pre-existing conditions.

Amended Bill Compared to Substitute Bill: Local governments may require either a performance bond or other evidence of financial responsibility from private project proponents.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will help expedite transportation projects without harming the environment.

Testimony Against: None.

Testified: David Stevens, Dept. of Transportation (pro); Cyreis Schmitt, Dept. of Fish and Wildlife.